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11
12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14

15 ASSURANCE INDUSTRIES COMPANY,
16 INC.

17 Plaintiff,

18 v.

19 SNAG, INC., *et al*,

20 Defendants.

21 Case No. C10 1718 SBA

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25 **STIPULATION AND ORDER TO
CONTINUE THE TIMEFRAME FOR
DEPOSITIONS IN HONG KONG AND
FOR PERMISSION TO TAKE
ADDITIONAL DEPOSITIONS FOR USE
AT TRIAL**

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27 Plaintiff/Counter-Defendants Assurance Industry Inc. and Sheng Chen (collectively
28 “Plaintiff”), and Defendants/Counter-Claimant Snag, Inc., Terrence P. Anton and Player
29 Development Products, LLC (collectively “Defendants”), through their respective counsel,
30 stipulate as follows:

31 1. The currently-operative First Amended Complaint (FAC) by Plaintiff Assurance
32 Industries Company Inc. (AIC) alleges fraud and breach of contract.

33 2. In answering the FAC, SNAG Inc. and Player Development Products, LLC filed
34 Counterclaims against Counter-Defendants AIC and Chen, alleging, among other things,
35 infringement of trademark and breach of contract due to the delivery of the defective goods.

36 3. This case was originally set for trial on September 10, 2012, with a final pre-trial
37 conference on September 4, 2012.

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1 4. On August 19, 2012, Plaintiff/Counter-Defendants filed a Motion to Vacate the
 2 Trial Date and to Reopen Discovery to depose "Mark Liu" in China.

3 5. Defendants first opposed to the motion, but subsequently withdrew their
 4 opposition upon certain conditions subsequently agreed to by the parties.

5 6. On August 29, 2012, this Court issued an order granting Plaintiff's motion,
 6 continuing the trial to February 11, 2013. In this Order, the Court directed parties to take the
 7 depositions within 90 days of the Order; and the Court reopened the discovery only for taking the
 8 deposition of Mark Liu.

9 7. Thereafter, the parties began exploring the efficacy of taking more depositions
 10 than just Mark Liu in Asia given the extensive travel and the number of witnesses there who may
 11 otherwise have to travel here for trial. Thus, the parties have been working to arrange multiple
 12 depositions in Asia before presenting this stipulation to the Court. Due to the restrictions of
 13 Chinese law on taking discovery within mainland China for the purpose of a judicial proceeding
 14 in a foreign country, the parties have agreed that depositions will take place in Hong Kong.

15 8. Due to the trial schedules of counsel and the schedules of respective parties and
 16 witnesses, parties have been unable to arrange the depositions in Hong Kong within the 90-day
 17 time allotted. However, the parties have confirmed the deposition arrangements in Hong Kong
 18 to occur from December 12, 2012 to December 16, 2012 (about two weeks beyond the 90 day
 19 deadline). By this stipulation, the parties seek an order allowing the depositions to proceed
 20 beyond the allowed 90 days but no later than December 16, 2012.

21 9. While the depositions are not scheduled to occur within 90 days of the August 29,
 22 2012 order, the parties do not anticipate any impact upon the remaining case schedule.
 23 Furthermore, the parties believe that the taking of the depositions requested below could
 24 facilitate settlement. During settlement discussions in the past, the parties have exchanged
 25 questions and comments about what witnesses from China might or might not say, and so a

STIPULATION RE DEPOSITIONS IN HONG KONG
Assurance Industries Company Inc. v. SNAG Inc., et al

1 transcript of their actual testimony could be helpful for the upcoming settlement conference
2 scheduled for December 20, 2012.

3 10. Thus, to provide more information for settlement discussions and to reduce the
4 cost of trial and travel of witnesses from Asia to the United States for trial, the parties agree to
5 take depositions of additional witnesses, other than just Mark Liu, who are residing Asia (and
6 have their deposition transcripts or portions thereof, subject to admissibility objections, entered
7 at trial in lieu of live testimony). In particular, the parties have agreed, subject to Court approval,
8 to allow the following depositions between December 12, 2012 and December 16, 2012 in Hong
9 Kong (at Merrill Corporation's offices):

10 **Depositions to be taken by Plaintiff/Counter-Defendants: Mark Liu, Eva Xia, Wan**

11 **Cheng Li, Cai Yuan Hua and a Mr. Chen** (scheduled to occur December 13 through 16
12 but Plaintiff will try to complete all depositions earlier);

13 **Depositions to be taken by Defendants/Counter-Claimants: Mssrs. Chou, Money,**
14 **and Chang (and possibly one other)** (scheduled to occur between December 12 and 13).

15 The parties jointly seek an order to allow the above depositions with the transcripts being
16 usable in this action, including trial, in the same manner they could have been used had they been
17 taken before the discovery cutoff here in the Northern District. The parties also stipulate to the
18 applicable Federal Rules of Civil Procedure for the depositions, including the rules regarding the
19 form of questioning, objections, etc.

20 Dated: December 3, 2012

21 By: /s/ Adam Wang.

22 Adam Wang
Attorney for Plaintiff/Counter-Defendants
Assurance Industry Inc. and Steve Chen

23 Dated: December 4, 2012

24 By: /s/ John Domingue.

25 John Domingue
Attorney for Defendants/Counter-Claimants
SNAG, INC., TERRENCE P. ANTON, and
PLAYER DEVELOPMENT PRODUCTS, LLC

STIPULATION RE DEPOSITIONS IN HONG KONG
Assurance Industries Company Inc. v. SNAG Inc., et al

1 ORDER UPON STIPULATION OF THE PARTIES

2 Pursuant to the stipulation of parties above, IT HEREBY ORDERED AS FOLLOWS:

3 A. The depositions set forth in Paragraph 10 above are hereby allowed, and shall
4 proceed, subject to mutual agreement by the parties or further order of this Court
5 to modify the schedule, on the dates and location specified in paragraph 10 above.

6 B. The depositions, subject to objections as to admissibility, may be used in this
7 action just as if they had been taken here in the Northern District before the
8 discovery cutoff.

9 C. The depositions shall proceed under the Federal Rules of Civil Procedure,
10 including the rules applicable to the form of questioning, objections, etc.

11 Dated: December 6, 2012

12 By: 
13 SAUNDRA BROWN ARMSTRONG
14 United States District Judge

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STIPULATION RE DEPOSITIONS IN HONG KONG
Assurance Industries Company Inc. v. SNAG Inc., et al